

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office Action mailed January 23, 2004. At that time claims 1-8, 19 and 20 were pending in the application. The Examiner rejected claims 1-4 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,239,271 to Beasley et al. (hereinafter "Beasley"). Claims 1-4 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,315,637 to Frantom (hereinafter "Frantom"). Claims 5-8 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,390,501 to Greib et al. (hereinafter "Greib"), in view of Beasley.

By this amendment claim 1 has been amended. The previously presented limitation that there be a twist throughout a body of the loop was deleted to broaden the scope of the claim in view of the Examiner's position that it did not distinguish over the cited art. *See* Office Action, page 6. Accordingly, claims 1-8, 19 and 20 are presented for reconsideration by the Examiner.

Applicants would like to thank Examiner Ruth C. Rodriguez for conducting a telephonic interview on April 13, 2004 and a follow-up interview on April 15, 2004 with Applicants' attorney Matthew S. Bethards (Reg. No. 51,466). Rejected claims 1-8, 19 and 20 were discussed in light of Beasley, Frantom, and Greib. Applicants argued that the rejection of claims 5-8 and 19 under 35 U.S.C. §103(a) was improper because Beasley is non-analogous art and there is no motivation to combine Beasley with Greib. Examiner agreed based on the arguments presented, and repeated below, to withdraw the §103(a) rejections of claims 5-8 and 19. Applicants also proposed to amend claim 1 to further define the twist in the loop, but could not come to an agreement with the Examiner on this issue. Applicants also discussed amending claim 1 to recite the combination of the flexible connector member and the anchor bolt. Examiner agreed that the proposed amendment appeared to distinguish over the cited art of record, but the amendment would necessitate a new search.

REJECTION OF CLAIMS 1-4 UNDER 35 U.S.C. §102(b)

The Examiner rejected claims 1-4 under 35 U.S.C. §102(b) as being anticipated by Beasley. *See* Office Action, page 2. The Applicants respectfully traverse this rejection.

It is well settled that a claim is anticipated under 35 U.S.C. § 102(b) only if “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” MPEP §2131, citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

As a result of this paper, claims 1-4 include the limitation that the flexible connector member has a loop defining an aperture which receives and retains an anchor bolt. Such a limitation is not taught or disclosed by Beasley. Rather, Beasley discloses a sling for hoisting and towing tasks. *See* Beasley, col. 1, lines 8-12. Nowhere within the four corners of Beasley does it teach that the aperture of the loop receives and retains an anchor bolt. In fact, Beasley does not teach an anchor bolt. Beasley also does not teach that the flexible connector member is attachable to a vehicle safety device. Instead, the loop (10) of Beasley is taught to have a folded region (24) for use with vehicle towing tasks incorporating a trailer hitch. *See* Beasley, col. 4, lines 9-12. Consequently, Beasley cannot anticipate because it does not teach all claim limitations. Withdrawal of this rejection is respectfully requested.

REJECTION OF CLAIMS 1-4 AND 20 UNDER 35 U.S.C. §102(b)

The Examiner rejected claims 1-4 and 20 under 35 U.S.C. §102(b) as being anticipated by Frantom. *See* Office Action, page 3. Applicants respectfully traverse this rejection.

As noted above, anticipation under §102(b) requires that each and every claim limitation be disclosed by the prior art reference. *See* MPEP § 2131. As a result of this paper, claims 1-4 and 20 include the limitation that the flexible connector member has a loop defining an aperture which receives and retains an anchor bolt. Such a limitation is not taught or disclosed by Frantom.

Frantom discloses a seat belt web guide (10) encapsulating a loop (12) of webbing. *See* Frantom, Fig. 1. The web guide includes a housing (18) and a cover plate (26). The loop of webbing and the encapsulating web guide define a thin slot (20). Examiner suggests that this thin slot is the aperture defined in the claims. *See* Office Action, page 3. However, the thin slot

does not receive and retain an anchor bolt as required by the present claims. Instead, the thin slot slidably retains seat belt webbing (34). *See* Frantom, Fig. 3. There is no teaching in Frantom that suggests the thin slot could retain an anchor bolt. Furthermore, it is structurally unable to receive and retain an anchor bolt because it is a thin slot creating “an opening sufficiently large so as to permit the seat belt webbing...to pass therethrough” and not large enough to allow an anchor bolt to pass therethrough. Frantom, col. 1, lines 64-66. Therefore, Frantom does not anticipate claims 1-4 and 20 under 35 U.S.C. §102(b).

The Examiner suggests that Frantom teaches “the flexible connector member attaches to a vehicle safety device (50) and to an anchor bolt (contained within the retractor 66).” If Frantom is read the way Examiner suggests, then the loop does not receive and retain an anchor bolt, because the loop is not located within the retractor. In this respect, Frantom is essentially the reverse of the claimed invention. Furthermore, the belt (16), which examiner alleges is the flexible connector member, does not “attach” to the seat belt webbing (50). Instead, the loop slidably receives the webbing through the slot. Therefore, Frantom does not teach all of the limitations of claims 1-4 and 20, and cannot anticipate under §102(b).

Moreover, the belt of Frantom which forms the loop is not twisted. Instead, the belt is “folded longitudinally to minimize the required thickness of the housing.” Frantom, col. 1, lines 42-44. Since the web guide forms or “encapsulates” the loop, and “the webbing loop to be contained in a housing 18 is folded longitudinally” the loop is not configured with a twist. Frantom, col. 2, lines 30-31, and 38. The loop is merely a section of webbing folded longitudinally. Accordingly, Frantom does not anticipate under §102(b). Applicants respectfully request that this rejection be withdrawn.

REJECTION OF CLAIMS 5-8 AND 19 UNDER 35 U.S.C. §103(a)

The Examiner rejected claims 5-8 and 19 under 35 U.S.C. §103(a) as being unpatentable over Greib in view of Beasley. *See* Office Action, page 4. The Applicants respectfully traverse this rejection.

The Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness. It is well settled that the PTO has the burden to establish a *prima facie* case

of obviousness. *See* MPEP §2142. “If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.” *Id.* A *prima facie* case of obviousness is established only if the Examiner shows that (1) there is some teaching, suggestion, or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there is a reasonable expectation of success; and (3) the prior art teaches or suggests all of the claim limitations. *See id.*

In the present case, there is no objective teaching in the prior art that suggests the desirability of the combination. One skilled in the art would not have been motivated to combine isolated teachings from the prior art references to arrive at the claimed invention without the benefit of hindsight from Applicants’ disclosure and claims.

The Examiner has combined Beasley and Greib to form a rejection under §103(a). However, for a reference to be prior art under §103, it must be analogous prior art. MPEP §2141.01(a). “[T]he reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the invention was concerned.” *Id.* (citing *In re Oetiker*, 977 F.2d 1443, 1446 (Fed. Cir. 1992)). While Greib discloses an airbag tether (30) which optionally engages a ring element (32), Beasley has nothing to do with safety restraint devices or anchor bolts. Rather, Beasley discloses a sling for hoisting and towing tasks. *See* Beasley, col. 1, lines 8-12. Therefore, Beasley is not in the field of applicant’s endeavor.

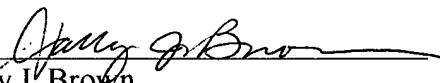
Furthermore, the twist in the sling of Beasley is for “enabling alternate sides of the protective cover to be positioned within the loop to alternate the wear on the plural sides of the protective cover.” *See* Beasley, col. 2, lines 10-13. Conversely, Applicants disclose an anchoring apparatus for securing safety restraint devices without the need for an anchor plate and an anti-rattle member. *See* Application, page 4, lines 20-21. Therefore, Beasley is not reasonably pertinent to the problem solved by Applicants’ invention. Since Beasley is not in the field of Applicants’ endeavor and is not reasonably pertinent to the problem solved by Applicants’ invention, Beasley is not analogous art and cannot be used to form a rejection under §103(a). Withdrawal of this rejection is respectfully requested.

Appl. No. 09/808,221
Amdt. dated August 25, 2004
Reply to Office Action of Jan. 23, 2004

CONCLUSION

Applicants respectfully assert that claims 1-8, 19 and 20 are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,


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